

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IVORY TRAYLOR,

Petitioner,

v.

JACOB LAFAVE,

Respondent.

Case No. 24-cv-12752

Honorable Robert J. White

ORDER DENYING THE APPLICATION TO PROCEED *IN FORMA PAUPERIS*, DISMISSING THE HABEAS PETITION, AND DENYING A CERTIFICATE OF APPEALABILITY

Ivory Traylor submitted a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and an application to proceed *in forma pauperis*. Traylor's certificate of prisoner institutional/trust fund account activity shows a current spendable account balance of \$134.90 as of November 7, 2024. (ECF No. 5). Based on this financial data, Traylor has not established indigence. He can pay the \$5.00 filing fee. The Court, therefore, denies the *in forma pauperis* application and dismisses the petition without prejudice. *See* 28 U.S.C. § 1915(e)(2)(A); *see also* Rules Governing Section 2254 Cases, Rule 3(a)(2). Traylor may file a new habeas petition and pay the filing fee in a new case.

As for next steps, a certificate of appealability must issue before Traylor

appeals this decision. 28 U.S.C. § 2253(c)(1)(a); Fed. R. App. P. 22(b). A certificate of appealability may issue only if the petitioner makes “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). When a court denies habeas relief on procedural grounds, a certificate of appealability should issue if jurists of reason would find it debatable whether the petitioner states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the court was correct in its procedural ruling. *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000). Since jurists of reason would not find the Court’s procedural ruling debatable, a certificate of appealability cannot issue. Accordingly,

IT IS ORDERED that the application to proceed *in forma pauperis* (ECF No. 5) is denied.

IT IS FURTHER ORDERED that the petition for a writ of habeas corpus (ECF No. 1) is dismissed without prejudice.

IT IS FURTHER ORDERED that a certificate of appealability is denied.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to close the case.

s/Robert J. White

Robert J. White
United States District Judge

Dated: December 5, 2024